

1932

Department of Land Revenue

OFFICE Board of Revenue

STATION Madras

Ms No 2161 3161 Dated 27-10-32

A 29-8/32

Date

Index.

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(SUBJECT.)

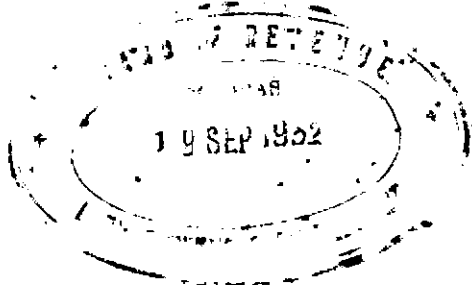
Village officers. (South Kanara) - Mangalore &
 Ramprabakar in Padukodi Ues - Headman.
 Appointment B. K. Ramachandraswami -
 Special District Inspector issued
 to all.

* Not to be filled in in the case of permanent records.

R.P. 47
C.F. 603-0.0
+ Encls,

A2958

BEFORE THE HONOURABLE THE BOARD OF REVENUE, MADRAS.



No. of 1932.

Humble appeal of B.K. Ramachandra Rao, son of

Subbappa, now residing at Kodialbail of
Mangalore Taluk, South Kanara District,

Kodialbail Post.

The above named appellant begs to appeal against
the order of the Collector of South Kanara in D.Dis. No.
4982-32 dated 5-7-1932 appointing K.U. Babu Rao as the
permanent patail of Banrakulur and Paydukodi villages
and overlooking the claims of the minor and without
giving notice to the members of the family of the ex-
patail ^{or the guardian of the minor} on the following among other grounds:-

1. The said order of the Collector of
South Kanara and the Revenue Divisional Officer, Mangalore
on which the appeal before the Collector was filed have
been obtained by fraud and collusion between the ex-patail
and his brother and K.U. Babu Rao by suppressing the
relationship of the appellant and his brothers, who are
1st. cousins of the ex-patail and his brother, as would
be seen from the genealogy filed herewith and who are
entitled to be appointed to the patailship in case the
ex-patail's branch is to be superseded and by not
giving any notice to them or taking their statement on the
question. In the appeal before the Collector no notice
appears to have been given to the guardian of the minor
whose rights were affected by it, before the disposal of
the appeal.

pp 17-19c4

^ pp 17-19c4

^ p 21c4

h 23c4

2/

2. The patailship of Bangrakulur village was hereditary in the family of the appellant. This would be seen from document No. 11 filed herewith. *p5cf* which shows that the great-grand-father of the appellant marked No. 1 in the genealogy, and after him the grand father of the appellant marked No. 2 in the genealogy *p23cf* was appointed as per documents No. 2 *reserving* and after them *u* the uncle of the appellant marked No. 3 in the genealogy *p5-7cf* was appointed as per document No. 3 series to the *p9cf* patailship, and after him his son the ex-patail marked No. 4 in the genealogy has been appointed and has been *p23cf* holding the patailship till now. This shows that the patailship has been hereditary in the family of the appellant and that the uncle of the appellant marked No. 3 in the genealogy was exercising the duties of the patailship being the elder brother. As such if the branch of No. 3 should become extinct or its right to patailship be deprived, under B.S.Os., it is the appellant's branch that should be appointed to the patailship. The action of the Collector in not reserving the right of the minor marked No. 2 in the genealogy and of appointing K.U. Babu Rao who is a stranger and not a member of the family of the appellant and ex-patail, ~~at any rate with~~ ~~14 degrees of common kinship~~ is clearly illegal and unjust and unsustainable. *do*

3. If minor's right were to be reserved and only an acting patail is to be appointed then no doubt that the minor's guardians wishes may be consulted, but where the minor's right is not maintained, it was ~~the~~ clear duty of the Collector to have given notice to the other

members of the family who are competent and capable and who possess the required qualifications for the patailship and own property as well, such as the appellant and his brothers, who are 1st: cousins of the ex-pat il, and not to have appointed an utter stranger depriving the rights of the whole family, ~~as the permanent pat-il~~. The fact of the existence of the appellant and his brothers who are the 1st. cousins of the appellant was fraudulently suppressed in collusion with the ex-patail and his brother

and this illegal order has been obtained. *If the existence of the appellant and his brothers were brought to the notice of the Collector he would never have passed such an order at any rate without notice to them.*

4. The appellant denies that there is any order stating that, if the man who was appointed at the time of clubbing the two villages of Bangrakulur and Padukodi, should resign, or be dismissed, the patailship should go to the patail or his family member of the other village. Even if such an order exists, it relates only to the resignation or dismissal of the then pat il Ram Rao marked No. 3 in the geneology and not to his heirs., or successors. The resignation of the ex-patail moreover made on account of his illness, and his brother, the father of the minor expressly wanted that the right of the minor should be preserved, which was done accordingly by the Revenue Divisional Officer. But the Collector erred in not maintaining the rights of the minor and appointing the said K.U. Babu Rao as permanent patail instead of his deputy.

5. The appellant therefore submits that the appellant is educated and owns property in the village and has applied for the patailship examination to be held shortly and being the nearest member of

family of the ex-patail harring the minor, he should be appointed as permanent patail of the villages of Bangra-kulur and Padukodi in preference to K.U. Babu Rao the utter stranger, if the branch of the ex-patail/ ^{is} to be superseded and the minor's rights to the permanent patailship is not registered and the said order of the Collector obtained by fraud, collusion and by questionable means without giving notice to the appellant and his brothers or taking their statements should be set-aside.

6. The appellant came to know of the above fraudulent and collusive proceedings got up behind his back only a few days back and hence could not contest the same before the Revenue Divisional Officer or the Collector of S.K. and hence he has filed this appeal. For the same reason the appellant prays that any delay on his part in filing the appeal may be excused and the appeal admitted.

MANGALORE.
17TH. Sept 1932.)

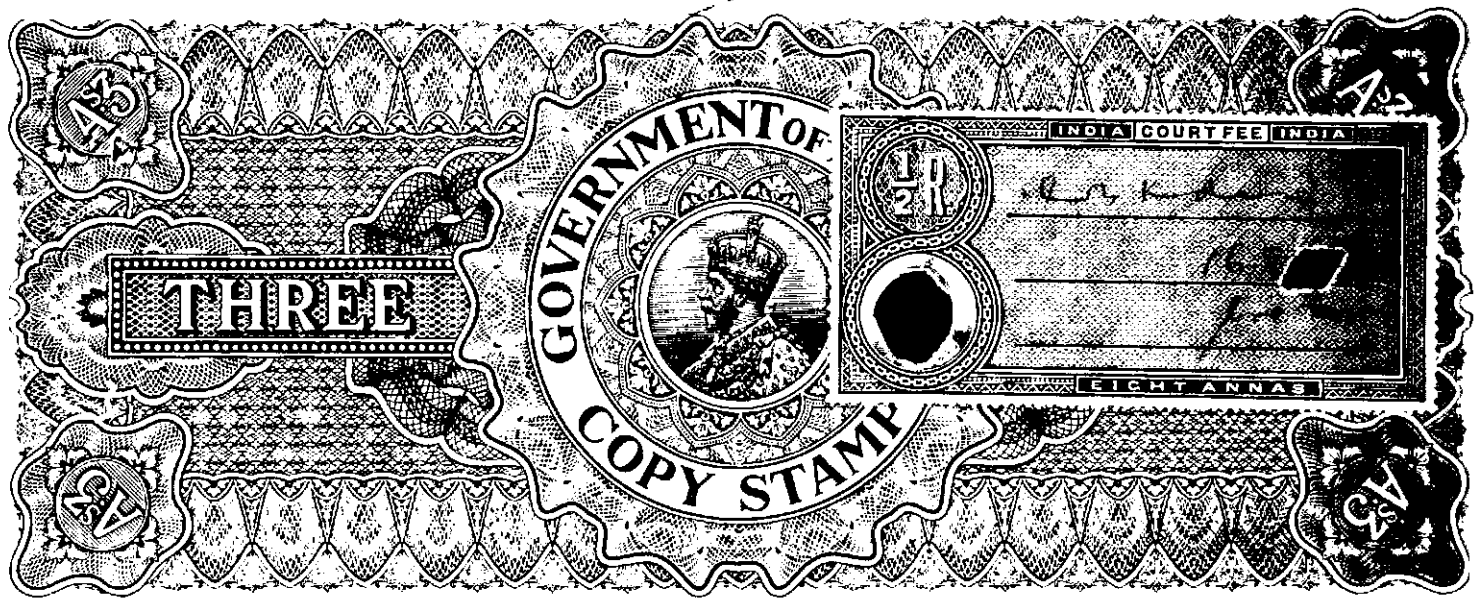
ಶ್ರೀ. ರಾಮಕೃಷ್ಣರಾವ್
Appellant. 17-9-1932.

List of documents filed.

1. 23-8-1244. Order issued by the Tahasildar Balakrishna Rao to Patail Subraya.
2. 13-3-1257. Yashavantha Rao to Patail Krishna Rao.
3. 10-8-1880. to Patail Rama Rao. (uncle of the Applt.)
- 3 a. 16-2-81. Order issued by the Collector of S.K. to patail Rama Rao.
- 3 b. 3-3-81. Order issued by the Tahasildar Mr. Saldanha to patail Ramaraya.
- 3 c. 3-2-1256. Petition made by Krishna Raya to the Govt. of East India Company.
4. 2-7-32. Certified copy of the order of the Collector.
5. 6-5-32. of the Revenue Dvl Officer.
6. Geneology prepared by the Appellant

17th. September 1932.

ಶ್ರೀ. ರಾಮಕೃಷ್ಣರಾವ್
Appellant.



N. Dis. 4982-32

Proceedings of the Collector of South Kanara
Mangalore - Dated 2nd July 1932.

Present - Shri Bahadur Hussain Paratla
Village officers - Headman - Mangalore Taluk
Bangrakur and Badukodi Villages -

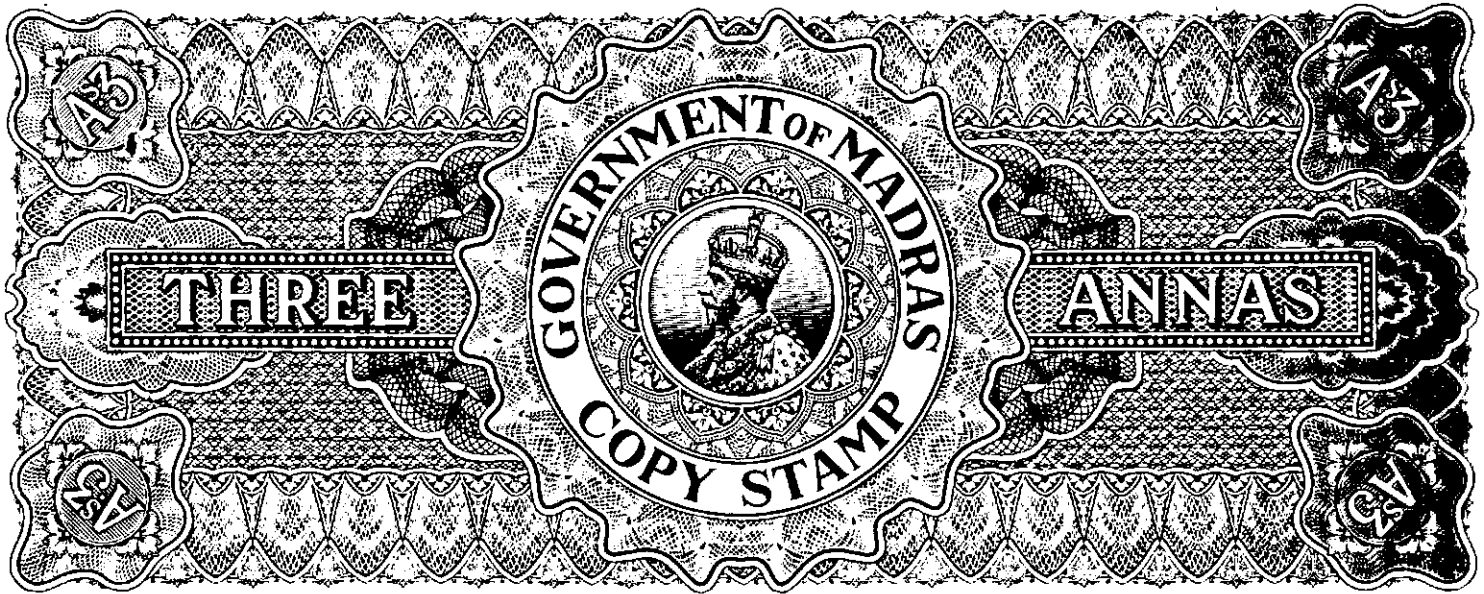
Registration of minor appeal K. W. Babu Rao
orders - passed -

- (1) Petition dated nil of K. W. Babu Rao re -
Potail of Bangrakur and Badukodi Villages
- (2) Mangalore Tahsildar's N. Dis. 9805-32 dated
21.6.32 received with Mangalore R. D. Os N. Dis -
2558-32 dated 23.6.32 - and
- (3) The connected records -

There is no use appointing a minor, as one
especially as the ex-potail and the
minor's father have both agreed to appellants
appointment. Besides the appellant owns
property in the Village, which the minor's
family does not. The Revenue Divisional
officer's order is cancelled and the appellant

1793
29. 6. 32
vol. 97. m. 5. Ard
A. P. Segura
S.

16



appointed permanent postail -

(sd) g Hussain

2.7.32

4

Collector S. K.

193

2.8.1932

(True copy on in 8 sheet

2-8-1932

11-8-1932

30/9/1932

Ambar 1318

Deputy Collector

Total words = 151

Revised by C. M. P. L. 1/8/32

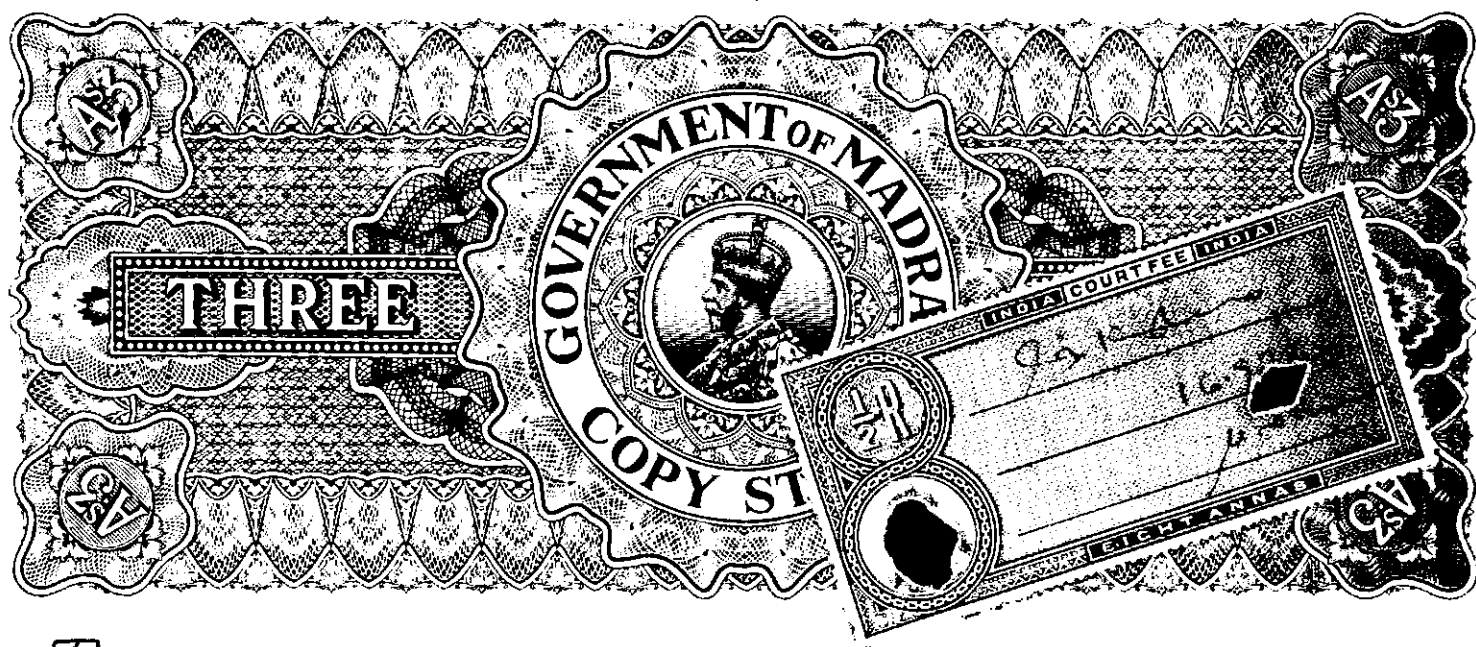
7



1823.
8 22
del. Dr. L. S. R.
A. P. Segura
J.

20

2517
6.8



R. Dis 1897-32.

Proceedings of the Revenue Divisional officer, Mangalore Division, dated 6th May 1932.

M. R. Dy R. Subrahmaniam Aiyar Adv. B. A.
Village officers - Head man - Mangalore Taluk - Bang-
-kulur cum Padukodi villages - B. K. Krishna Rao
Resignation - orders passed.

Read - papers received with Mangalore Taluk
report Ref: No. 5949-32-AH, dated 18.4.32

^{order}
The resignation tendered by B. K. Krishna Rao
permanent head man of Bangrakulur and Padukodi
villages is accepted.

2. Minor Sundara son of Venkat Rao brother
of the last office holder is registered as permanent
potail and the Tahsildar's nominee K. E. Babu
Rao is appointed as deputy for the minor.

Sd/ R. Subrahmaniam Aiyar
6/5/32. Revenue Divl officer

um

22

The first of these is the
 fact that the system is not
 self-sufficient. It is
 dependent on the outside world
 for many of its needs.

Krishnaraya. no 2	Laxminarayana
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Ramaraya. no 3	Subraya.	Ramakrishna No issues.	Shama Rao.
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B. K. Krishna Rao no 4	Venkai Rao. no 5
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Gopalakrishna Rao no 7	Narayana. no 8.	B. K. Ramach no 6
---------------------------	--------------------	----------------------

Sundara Rao Minor (no 9)

Subraya.

Subraman

Genealogy

Subraya.
No 1

aya.

Ananthaya.
No issues

Subraya.

Vasudaya.

Sundar Rao.

Sundar Rao

Shiva Rao.

Vasdeva Rao.

Bhanani
Shankar Rao

✓ १३१४.०६.२३०८००००

Appellant

17. 9. 1931

D.Dis. 9114-32.

South Kanara Collector's Office,

Mangalore. dated 14 - 10 - '32.



Khan Bahadur J. Hussain, Bar-at-law,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s .

Sir,

Village Officers - Mangalore Taluk - Bangrakulur and Padukodi villages - Headman - appointment - Appeal - Report submitted.

p 25 ct

Board's reference Ref.A-2958-32-1 dated 3-10-1932.

not in the table
at p 23rd
not of do'

On resignation by B.K.^AKrishna Rao, the last office holder, the office of Headman of Bangrakulur and Padukodi villages devolved on his younger brother Venkat^Atraya alias Venkatachala, Krishna Rao having no male issues. Venkatraya did not claim the post, nor did he make any request or registration of either of his two minor sons who are aged 7 and 3 years. On ^{the} other hand, he stated that, as he possessed no house or property of his own in the village, it was not possible for him to do the duties of a Potail and definitely relinquished his right in favour of Babu Rao who is a divided member of the same family and who was then actually working as acting Potail

2. Babu Rao's work was satisfactory particularly, land revenue collections. He has residence in the village and also property qualification. He is fully qualified for the post and has influence in the village - a matter which counts for much in these days. Also, I saw no prospect-even reasonably near-of either of the two minors qualifying themselves for the post. Under these circumstances, I thought it desirable to set aside the Revenue Divisional Officer's orders and appoint ---- Babu Rao who has already been acting as Potail and more ----

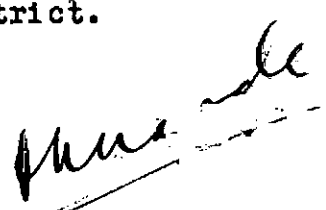
p 24 ct

28
-2-

next heir to the
particularly because the/resigned Potal and his brother
(father of the registered minor) had no objection to the
appointment of Babu Rao.

3. In this connection, I solicit the favour of the
Board's attention to B.P.Mis. No. 2733, dated 11-9-1929
where it has been held that the provisions of Act III
of 1895 do not strictly apply to this District.

Hog (K)


For Collector.

15.10.32

100 22 12 1

Appeal - Dismissed - Instructions issued to the collector.

193

Register No. ———,

p. 25c4 Q

” ”———”

“ ” A 3438 / 32 p p 27 - 28 c 4 Q 193

19 25

" " _____ , "_____ , "_____ . 193 .

Ms. No. 3161, dated 27 Dec. 193 2

that there ~~was~~^{is} no prospect

f. the minors, who are only
 7 and 3 years old, qualifying themselves
 for the office. In the circumstances

The Board considers that the
 collector's order ^{is} does not
 appear to be correct

ks
 25/10/32 ^{for} ~~25/10/32~~ ^{up} ~~27/10/32~~

Issued on
 27/10/32

To

The collector of
ulth Kanara

(South

M₂
S

A-3 (G.R.)

Kanara) - Mangalore TC - Bangrakur
and Podukodi Vages - Headman -
Appointment - B. K. Ramachendrak
Petition

TO A-3.

Non hereditary and non Statutor

2) The petitioner ^{was} ~~is~~ not a party
to the proceedings either before the
Rev. Divl. Officer or the Collector.

p. 21 cf

do

pp. 17-19 cf

He has no grievance against the
Rev. Divl. Officer's order but he has
come to the Board against the
Collector's order which he says
is against his interests. Orders
are solicited as to how to treat
this petition i.e. as an appeal or as an
revision petition. The majority is
Appeal.

p. 21 cf

3) The order of the Revenue
Divl. Officer appears to be correct.
The Collector erred in considering
that there was no use ~~in~~ appointing
a minor, for the reason that,

p. 17 cf

I assume, from R.P.O's

order, that this is correct,

but what's the authority

registration of minors is permitted
in ^{the} South Kanara district.

R. M. 26.9.32

4) The petitioner contends that
the order of the Collector is

obtained by fraud and by questionable means and that a notice was not given to him before cancelling the order of the Rev. Dist. officer. He was not a party to the proceedings before the collector. He objects to the appointment of K. V. Baburao who it is alleged is a ~~be~~ stranger to the family. The relationship of Baburao to the last holder of office is not clear but the collector's order shows that both the ex-headman and the minor father consented to the appointment of Baburao. From the genealogy given in para 2 of the petition it is seen that the village office is coming from father to son. From this it appears that the registration of the minor was correct. Next to the minor the petitioners family ought to get the office but it is not known why their claims were not considered. It is also strange to note that the father of the minor, who is expected to guard ~~the~~ his interests, himself gave his consent ^{to} future appointment

paras on pp 3-4 cf

p. 4 cf

pp. 17-19 cf

p. 2 cf

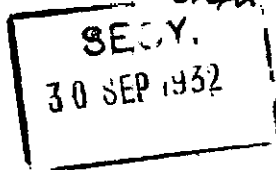
p. 17 cf

of Babu Rao. The facts of the case are not clear. In the circumstances it is for consideration whether the Board will interfere on behalf of the petitioner. For orders. Remd me
1. It is called for.

12/9/32 The petitioner's claim is remote. Further he is not qualified. The petition may be dismissed.

The Collector's attention may be drawn to the fact that the registration minors so allowed in the South Kanara district and he may be asked to report why in the circumstances he interferes with the Dist. Officer's order.

Sh
Hegs



S
A.S.(L/R)

TO A.S.

Secretary's query on p. 1 N.F.

Minors are registered in S. Kanara on the authority of B. P.

Flag (N) (Not put up) 105-Mis & 11-1-29. This is available in the Madras Record Office. B. P.

Flag (C) Rt 5313 & 1-10-31 in which the same query of the Asst. Secretary was answered is herewith put up.

Thanks
Amf

The notes on pages 4 to 5 of (C) may be perused.

108.
72/9/32

To A.S.

A.S.(L.R.)

Draft Submitted

108
1.19.32
m 10/13

3-10-32

[Board's ref A 2958/32/19 3-10-32 p. 25 cf
A 3438/32 pp 27-28 cf]

M2
S

A.S.(L.R.)

To A.S.

The collector has submitted the report. He reports that Venkatraya brother of the last office holder did not claim the office, and that he definitely relinquished his right in favour of Baburao that Baburao's work was ~~the~~ satisfactory and that he has influence in the village. The collector adds that he saw no prospect of either of the two minors qualifying themselves for the office and quotes B.P. 2733 Nis of 11-9-29 in which it was held that the provisions of Act III of 1895 do not strictly apply to the South Kanara district

pp 27-28 cf

p. 27 cf

p. 3 of (10)

2). Even though the provisions of Act III of 1895 do not strictly apply to the district, the registration ^{recognize} of minors is specifically in the

district. A perusal of the collector's reference at pages 2 to 4 of B.P.

(N)

105 Mis Q. 11-1-99 shows that the Board wanted the collector to strictly observe the rules regarding the registration of minors. There are no valid reasons

~~for~~ ~~the~~ ~~collector's~~ ~~presumpt~~ ~~ion~~ ~~that~~ ~~he~~ ~~saw~~ ~~no~~ ~~prospect~~ ~~of~~ ~~the~~ ~~minor~~ ~~who~~ ~~are~~ ~~only~~ ~~7~~ ~~&~~ ~~3~~ ~~years~~ ~~old~~

^{There was} qualifying for the office. In the circumstances the collector's order does not appear to be ^{well-}equitable for orders.

we may inform him accordingly.

[Signature]

I agree.

K.S. *[Signature]* S
20/10/32

A.H.J. 25.10.32

[Signature]
25.10.32

TO AS.

Draft submitted

K.S. *[Signature]*
25/10/32 26.10.32

[Signature]